

Message Text

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ACTION NODS-00

INFO OCT-01 ISO-00 /001 W
-----020622 280736Z /12
O 280626Z DEC 77
FM AMEMBASSY SEOUL
TO SECSTATE WASHDC NIACT IMMEDIATE 8412

S E C R E T SECTION 1 OF 2 SEOUL 10866

EXDIS DISTRIBUTE AS NODIS

E.O. 11652: GDS
TAGS: PGOV KS US
SUBJ: TONGSUN PARK AFFAIR: TEXT OF MPAA

REF: STATE 308062

FOLLOWING IS FULL TEXT OF REVISED MPAA:

TITLE: MUTUAL PROSECUTION ASSISTANCE AGREEMENT BETWEEN THE
REPUBLIC OF KOREA MINISTRY OF JUSTICE AND THE UNITED STATES
DEPARTMENT OF JUSTICE CONCERNING TERMS AND CONDITIONS FOR
COMMUNICATING WITH MR. TONGSUN PARK.

1. THE MINISTRY OF JUSTICE OF THE REPUBLIC OF KOREA AND
THE UNITED STATES DEPARTMENT OF JUSTICE AGREE TO RENDER,
IN ACCORDANCE WITH THE LAWS OF THEIR RESPECTIVE COUNTRIES,
WITH THE PROVISIONS OF THE JOINT STATEMENT REGARDING
COOPERATION BETWEEN THE GOVERNMENTS OF THE REPUBLIC OF
KOREA AND THE UNITED STATES CONCERNING THE CASE OF MR.
TONGSUN PARK ISSUED ON (BLANK) AND WITH THE PROVISIONS
OF THIS AGREEMENT, MUTUAL ASSISTANCE TO THE PROSECUTORS
IN THEIR RESPECTIVE COUNTRIES WITH RESPECT TO THE
ACTIVITIES OF MR. TONGSUN PARK PERTAINING TO ALLEGED
BRIBERY OF UNITED STATES OFFICIALS OR PERSONS HEREIN-
AFTER REFERRED TO AS "THE UNITED STATES OFFICIALS".

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2. ALL REQUESTS FOR ASSISTANCE MAY BE COMMUNICATED
DIRECTLY BETWEEN THE MINISTRY OF JUSTICE OF THE REPUBLIC
OF KOREA AND THE UNITED STATES DEPARTMENT OF JUSTICE.

3. MR. TONGSUN PARK MAY BE REPRESENTED BY COUNSEL OF
HIS CHOICE AT ALL MEETINGS AND QUESTIONING SESSIONS

IN KOREA OR THE UNITED STATES.

4. AT THE MEETING TO BE HELD AT THE AMERICAN EMBASSY IN SEOUL IN THE PRESENCE OF TWO KOREAN OFFICIALS, MR. TONGSUN PARK AND UNITED STATES JUSTICE OFFICIALS WILL BE EXPECTED TO SIGN A MEMORANDUM OF UNDERSTANDING REPRESENTING THE AGREEMENT BETWEEN MR. TONGSUN PARK AND THE UNITED STATES DEPARTMENT OF JUSTICE REGARDING HIS PROMISE TO GIVE TRUTHFUL TESTIMONY AND THE DEPARTMENT OF JUSTICE'S OFFER TO PROVIDE HIM WITH FULL IMMUNITY FROM ANY PAST CRIMINAL CONDUCT AND TO SEEK DISMISSAL OF THE INDICTMENT PRESENTLY PENDING AGAINST HIM FOLLOWING THE COMPLETION OF HIS TESTIMONY AND COOPERATION.

5. DURING THE SUBSEQUENT INTERROGATION OF MR. TONGSUN PARK IN SEOUL, KOREA, KOREAN PROSECUTORS WILL PUT QUESTIONS TO MR. PARK AT THE START OF EACH SESSION OF QUESTIONING. THEREAFTER, UNITED STATES PROSECUTORS WILL PUT QUESTIONS TO MR. PARK CONTINUOUSLY.

6. THE UNITED STATES DEPARTMENT OF JUSTICE PROSECUTORS WILL PUT QUESTIONS TO MR. PARK IN ENGLISH, AND MR. PARK WILL BE EXPECTED TO ANSWER IN ENGLISH. MR. PARK'S ANSWERS TO A PARTICULAR QUESTION WILL BE STATED WITHOUT DELAY, AND SIMULTANEOUS TRANSLATION INTO KOREAN OR ENGLISH WILL BE EMPLOYED AS NEEDED. A VERBATIM RECORD IN ENGLISH
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WILL BE PROVIDED TO THE KOREAN PROSECUTION.

7. AT THE OPTION OF THE AMERICAN PROSECUTORS IN LIEU OF QUESTIONING ON THE RECORD, MR. PARK MAY BE EXAMINED BY UNITED STATES POLYGRAPH EXAMINER CONCERNING ANY QUESTION PREVIOUSLY PUT, OR BE INTERVIEWED OFF THE RECORD BY UNITED STATES PROSECUTORS IN THE PRESENCE OF KOREAN OFFICIALS.

8. THE QUESTIONING SHALL CONCERN MR. PARK'S RELATIONSHIP WITH UNITED STATES OFFICIALS, INCLUDING CONGRESSMEN, AND RELATED ACTIONS OR STATEMENTS MADE BY PARK OR MADE IN HIS PRESENCE. MR. PARK MAY ALSO BE QUESTIONED ABOUT KOREAN OR AMERICAN PERSONS OR ENTITIES UTILIZED BY HIM TO CONDUCT SUCH RELATIONSHIP. THE QUESTIONING SHALL NOT CONCERN ACTIONS OR STATEMENTS OF OFFICIALS OF THE REPUBLIC OF KOREA GOVERNMENT OR OF ANY THIRD COUNTRY, EXCEPT ANY WHICH MAY HAVE OCCURRED IN THE UNITED STATES OR IN THE PRESENCE OF UNITED STATES OFFICIALS.

9. WHEN MR. TONGSUN PARK COMES TO THE UNITED STATES AS A WITNESS IN CONNECTION WITH PROSECUTION OF INDICTMENTS

AGAINST UNITED STATES OFFICIALS, THE SCOPE OF EXAMINATION
BY THE PROSECUTION SHALL BE THE SAME AS IN KOREA.

10. IN ADDITION TO TESTIFYING AS A PROSECUTION WITNESS
DURING TRIALS OF UNITED STATES OFFICIALS, MR. PARK MAY
BE REQUIRED TO COOPERATE AT RELATED COURT PROCEEDINGS
SUCH AS PRE-TRIAL MOTIONS.

11. IT SHOULD NOT BE NECESSARY FOR MR. PARK TO APPEAR
BEFORE THE UNITED STATES GRAND JURY, SINCE THE TRANS-
SCRIPTS OF THE SEOUL INTERROGATION WILL BE PRESENTED TO
THE GRAND JURY AND SHOULD SUFFICE IN LIEU OF HIS PERSONAL
APPEARANCE.

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12. IN ADDITION, RELEVANT PORTIONS OF THE TRANSCRIPTS
OF MR. PARK'S SEOUL INTERROGATION MAY BE PROVIDED BY
THE UNITED STATES DEPARTMENT OF JUSTICE TO UNITED STATES
CONGRESSIONAL COMMITTEES. THE COMMITTEES WILL BE URGED
TO ACCEPT THE TRANSCRIPTS IN LIEU OF PERSONAL APPEARANCES
BY MR. PARK. IN ADDITION, THEY WILL BE ASKED BY THE
UNITED STATES DEPARTMENT OF JUSTICE NOT TO SUBPOENA
MR. PARK WHEN HE VISITS THE UNITED STATES FOR TRIAL
TESTIMONY.

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TO SECSTATE WASHDC NIACT IMMEDIATE 8413

S E C R E T SECTION 2 OF 2 SEOUL 10866

EXDIS DISTRIBUTE AS NODIS

13. EXCEPT AS PROVIDED IN PARAGRAPHS 10, 11, AND 12,

ALL INFORMATION MADE AVAILABLE BY THE MINISTRY OF JUSTICE
OF THE REPUBLIC OF KOREA AND THE UNITED STATES
DEPARTMENT OF JUSTICE PURSUANT TO THIS AGREEMENT, AND
ALL CORRESPONDENCE BETWEEN THEM RELATING TO SUCH INFOR-
MATION AND TO THE IMPLEMENTATION OF THIS AGREEMENT, SHALL
BE KEPT CONFIDENTIAL AND SHALL NOT BE DISCLOSED TO THIRD
PARTIES OR TO GOVERNMENT AGENCIES, EXCLUDING AGENCIES
INVESTIGATING ALLEGED BRIBERY OF THE UNITED STATES
OFFICIALS, UNLESS OTHERWISE AGREED.

14. THE MINISTRY OF JUSTICE OF THE REPUBLIC OF KOREA
AND THE UNITED STATES DEPARTMENT OF JUSTICE SHALL GIVE
ADVANCE NOTICE PRIOR TO THE USE OF ANY INFORMATION MADE
AVAILABLE PURSUANT TO THIS AGREEMENT.

15. THIS AGREEMENT SHALL ENTER INTO FORCE ON THE DATE
OF SIGNATURE BY BOTH REPRESENTATIVES OF THE MINISTRY OF
JUSTICE OF THE REPUBLIC OF KOREA AND THE UNITED STATES
DEPARTMENT OF JUSTICE.

DONE AT SEOUL, KOREA THIS (BLANK)
DAY OF (BLANK) IN DUPLICATE
IN THE KOREAN AND ENGLISH LANGUAGES, BOTH TEXTS BEING
EQUALLY AUTHENTIC.

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FOR THE MINISTRY OF JUSTICE FOR THE UNITED STATES
OF THE REPUBLIC OF KOREA: DEPARTMENT OF JUSTICE

END TEXT

NOTE: WE HAVE PICKED UP NEW WORDING FOR FINAL PHRASE
OF THIRD SENTENCE PARAGRAPH 8 PROVIDED REFTEL. WORDING
OF PARAGRAPHS 5 AND 6 ALSO AGREE WITH REFTEL. WE HAVE
ALSO DELETED QUOTE PRESENT END QUOTE FROM THIRD SENTENCE
PARAGRAPH 8 WHERE IT APPEARS BETWEEN QUOTE STATEMENTS OF
END QUOTE AND QUOTE OFFICIALS OF END QUOTE AS DISCUSSED
RICH/CLARK TELECON.
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Message Attributes

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Disposition Approved on Date:
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Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
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Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
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Secure: OPEN
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TAGS: PGOV, KS, US, (TONGSUN PARK)
To: STATE
Type: TE
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